

Motion DENIED.

This the 14th day of January, 2019.

/s/Louise W. Flanagan, U.S. District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Case No. 7:17-cv-0162-FL

NATIONAL AUDUBON SOCIETY,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,
COLONEL ROBERT J. CLARK in his official
capacity as DISTRICT COMMANDER
OF THE WILMINGTON DISTRICT, and the
TOWN OF OCEAN ISLE BEACH,

Defendants.

**FEDERAL DEFENDANTS'
MOTION TO HOLD THIS CASE IN
ABEYANCE AND FOR A STAY
OF ALL DEADLINES IN LIGHT
OF LAPSE OF
APPROPRIATIONS**

Federal Defendants hereby move this Court to hold this case in abeyance and to stay all deadlines.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests that this case be held in abeyance and all deadlines be stayed until Congress has restored appropriations to the Department. Federal Defendants request that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.